



PLANNING COMMISSION

AGENDA REPORT

VI.1

MEETING DATE: ~~MARCH~~ 13, 2009

April

SUBJECT: URBAN PLAN AMENDMENT NO. 1 TO AMEND THE MESA WEST BLUFFS URBAN PLAN RELATED TO MIXED-USE, LIVE/WORK UNITS, AND RESIDENTIAL LOFT DEVELOPMENT STANDARDS

DATE: APRIL 1, 2009

FOR FURTHER INFORMATION CONTACT: CLAIRE L. FLYNN, AICP, PRINCIPAL PLANNER
(714) 754-5278

DESCRIPTION

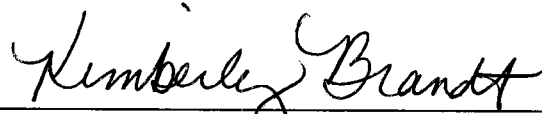
The ***proposed action*** is a City-initiated amendment to the Mesa West Bluffs Urban Plan. The text changes will modify development regulations and provide additional clarification/discussion related to mixed-use development, live/work units, and residential lofts in the mixed-use overlay zone.

RECOMMENDATION

Recommend City Council adoption of Amendment No. 1 to the Mesa West Bluffs Urban Plan SP-05-08, by adoption of the attached resolution.



CLAIRE L. FLYNN, AICP
Principal Planner



KIMBERLY BRANDT, AICP
Assistant Dev. Svs. Director

BACKGROUND

Adopted in April 2006, the SoBECA and Westside Urban Plans (*available for download at <http://www.ci.costa-mesa.ca.us/departments/plangweb.htm>*) serve as “regulating plans” which establish provisions for mixed-use development and residential development in the mixed-use overlay district.

On October 27, 2008, Planning Commission considered various amendments to the Urban Plans. At that time, Planning Commission directed staff to initiate these amendments one at a time, and not as a collective group of changes to the Urban Plans. On March 2, 2009 at a study session, Planning Commission discussed the text amendments to the Mesa West Bluffs Urban Plan. This report addresses the Commission’s comments and focuses on the Mesa West Bluffs Urban Plan. If City Council approves the proposed changes to the Mesa West Bluffs Urban Plan, similar revisions may be proposed to the remaining Urban Plans.

The study session report is available on the City’s website at:
<http://www.ci.costa-mesa.ca.us/council/planning/study-session/030209MWBUPSP0508.pdf>

ANALYSIS

Planning Commission requested additional discussion of the following topics, briefly summarized below in Question & Answer format.

1. What are some key definitions included in the Urban Plan?

- “*Live/work unit*” is a mixed-use development composed of commercially- or industrially-oriented joint work and living quarters in the same building, where typically the primary use is a place of work and where there are separately-designated residential and work areas.
- “*Residential loft*” is a residence with an open or flexible floor plan designed to accommodate a variety of home-related activities.

2. What is the purpose of the amendment to the Urban Plan?

The objectives involve the following:

- *Most importantly*, to provide additional guidance to applicants regarding the differences between live/work units and residential lofts in order to discourage residential reversion.
- To serve as an “Urban Plan clean-up” to address and clarify issues.
- To make timely revisions to the documents at a time when Urban Plan development activity has slowed. (Last screening request was received August 2007).

3. The amendment involves what important changes?

The following table briefly summarizes the overall amendments to the Urban Plan.

Table A – Overall Summary of Proposed Amendments

Proposed Text Amendment		
A. Clarifications of existing provisions:		
<ul style="list-style-type: none"> <u>Clarify that roof gardens shall not be considered a building story.</u> Therefore, a proposed 4-story building may include four building levels because a roof garden is not considered an extra story. [See Table A1 of Urban Plan] 		
<ul style="list-style-type: none"> <u>Clarify that other mixed-use development standards from different Urban Plans may apply to a project.</u> For example, this would allow mixed-use projects proposed in the Mesa West Bluffs Urban Plan to adhere to the mixed-use standards set forth in the 19 West Urban Plan. These standards are not contained in the Mesa West Bluffs Urban Plan because it focuses on live/work units and residential loft standards. [See Table A1 of Urban Plan] 		
<ul style="list-style-type: none"> <u>Better explanation of deviations (and justifications for deviations) will better guide developers to design quality projects.</u> Applicants have asked for more guidance regarding justifications for requested deviations. Additional discussion is provided in the Urban Plans which better describe specific on-site and off-site improvements that could be incorporated into the project design to justify deviations. [See Page 10 of Urban Plan] 		
B. New discussion and development standards:		
<ul style="list-style-type: none"> <u>Make important distinctions between live/work units and residential lofts.</u> This discussion addresses residential reversion of live/work units. [See Page 8 of Urban Plan] 		
<ul style="list-style-type: none"> <u>Specify minimum interior dimensions of 10-foot wide by 38-foot long for two-car tandem garages.</u> [See Table A1 Urban Plan] 		
<ul style="list-style-type: none"> <u>Establish minimum size of work spaces in live/work units to encourage business.</u> New discussion is added to address a fundamental challenge of creating viable live/work development which <u>does not become a purely residential use</u>, lacking adequate common and open space amenities. [See Table A2 of Urban Plan] 		
For units up to 1,000 sq.ft. in size	For units between 1,000 to 1,500 sq.ft. in size	For units greater than 1,500 sq.ft. in size
Minimum workspace is 25% of total square footage of unit	Minimum workspace is 30% of total square footage of unit	Minimum workspace is 35% of total square footage of unit
○ (Work space excludes bathroom, kitchen, balcony/mezzanines, and/or hallway areas.)		
<ul style="list-style-type: none"> <u>Establish minimum size of common amenity lot on a sliding scale.</u> The City's park resources are limited. This requirement ensures that on-site recreational opportunities are provided in new live/work units and residential loft development. (See Table A1 of Urban Plan). 		
Development Lot Size		Minimum Common Lot Required
Less than ½ acre		Minimum 750 sq.ft.
½ acre lot or greater		Minimum 1,000 sq.ft.

4. Why is it important to distinguish between “live/work units” and “residential lofts”?

Technically, the Urban Plan establishes building limits for residential lofts in terms of “units per acre” and for live/work units in terms of “floor-area-ratio.” For discussion purposes only, this report compares these two types of developments in terms of units per acre.

Residential lofts are limited to 13 dwelling units per acre. Live/work lofts are limited to 1.0 FAR, or potentially 20 live/work units per acre depending on the unit size. Therefore, it can be surmised that the Urban Plan allows a “density bonus” for live/work units compared to residential lofts. This is to create opportunities for small businesses in Costa Mesa. The density bonus and other flexible development standards (i.e. minimum 10 percent open space) are trade-offs to promote small businesses. See Table B below.

Table B – Density Bonus and Development Flexibility for Live/Work Units	
Residential Lofts: <ul style="list-style-type: none">• Maximum 13 dwelling units per acre• 40% open space required• Compliance with Residential Design Guidelines	Live/work Units: <ul style="list-style-type: none">• Maximum 20 dwelling units per acre• Only 10% open space required• No requirement for compliance with Residential Design guidelines

5. Why is a density bonus given to live/work units while residential lofts are restricted to 13 du/ac?

This condition is unique to the Mesa West Urban Plan. It is important that high-density live/work projects do not revert to be high-density residential projects after completion. The community has expressed that new development of high-density residential is not desirable in the Westside.

The increased building potential based on floor-area-ratio for live/work units could potentially be to 20 du/ac. During the development of the Urban Plans, the community expressed concerns regarding new high-density residential in the Westside. The density for residential lofts was restricted to 13 du/ac.

Therefore, it is important that live/work projects do not resemble (or revert to) high-density residential. The concern is that a live/work unit will later become a high-density residential project with fewer open space areas and residential amenities required to support a quality residential development.

6. Which requirement would promote successful live/work units and discourage residential reversion?

- Work space must be adequate for different small businesses, not just home businesses. Home office types of businesses are already allowed in residential zones. Live/work units would promote the next level of small businesses for those who may need customer traffic and/or a larger work space.

A traditional work space in a live/work unit may range from 400 square feet to over 1,000 square feet. A small office limits the live/work potential to serve businesses with customer traffic (i.e. barber/beauty shop, commercial photography studio, caterer, makeup artist, artist studio, yoga studio).

On a sliding scale, the following minimum work space requirement would encourage live/work units that attract small businesses:

For units up to 1,000 sq.ft. in size	For units between 1,000 to 1,500 sq.ft. in size	For units greater than 1,500 sq.ft. in size
Minimum workspace is 25% of total square footage of unit	Minimum workspace is 30% of total square footage of unit	Minimum workspace is 35% of total square footage of unit

7. Which requirement addresses open space/recreational opportunities?

- Since residential reversion is a concern, the amendment proposes a common amenity lot requirement for live/work units and residential lofts. Park/public recreational opportunities in Costa Mesa have not grown in pace with the City's population. On a sliding scale, the new common amenity lot requirement for these new developments would ensure that adequate recreational space is provided for the homeowners.

Development Lot Size	Minimum Common Lot Required
Less than ½ acre	Minimum 750 sq.ft.
½ acre lot or greater	Minimum 1,000 sq.ft.

ENVIRONMENTAL DETERMINATION

The Mesa West Urban Plan is the subject of a previously-approved Initial Study/Mitigated Negative Declaration (April, 2006). The proposed amendment has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (9b) (30 (general rule)) of the CEQA Guidelines.

LEGAL REVIEW

The City Attorney's office has approved the attached resolution as to form.

GENERAL PLAN CONSISTENCY

The proposed amendment does not require any changes to the 2000 General Plan nor the Zoning Code. If approved, the amended Urban Plans will continue to be in conformance with these documents.

ALTERNATIVES

The Planning Commission may consider the following recommendations to City Council:

1. Recommend City Council approval of Amendment No. 1 to the Mesa West Bluffs Urban Plan, with any modifications. Planning Commission may adopt the attached resolution recommending City Council approval of the proposed amendments. Planning Commission may also include any modifications to the amended pages (Attachments 1-4).
2. Receive and file report. Planning Commission may choose to make no textual changes to the Urban Plan at this time. The report will be received and filed, and staff will not initiate any further proposed amendments to the other Urban Plans. Council may call this item up for review if there is interest in amending the Urban Plan(s).

CONCLUSION

The proposed Mesa West Bluffs Urban Plan amendments address a variety of issues, most importantly related to live/work units regressing to high-density residential projects. Because they may be lower in price, high-density live/work units may attract people who purchase these units as homes and not for business. The possibility of a live/work reverting to a residential development is problematic in the Mesa West Urban Plan area because residential loft development is limited to 13 du/ac, while a live/work development could potentially be 20 du/ac. To justify the density bonus, these new requirements encourage quality live/work units that will not likely revert to high-density residential uses.

Attachment: 1. Approval Resolution

Distribution: Assistant City Attorney
Deputy City Manager- Dev. Svs. Director
City Engineer
Staff (4)
File (2)

RESOLUTION NO. PC-09-____

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA, CALIFORNIA,
RECOMMENDING COUNCIL APPROVAL OF
AMENDMENT NO. 1 TO THE MESA WEST BLUFFS
URBAN PLAN SP-05-08 RELATED TO ADDITIONAL
MIXED-USE, LIVE/WORK, AND RESIDENTIAL LOFTS
DEVELOPMENT PROVISIONS.**

**THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, Amendment No. 1 to the Mesa West Bluffs Urban Plan (SP-05-08) includes textual amendments to the plan document related to mixed-use development, live/work units, and residential loft provisions;

WHEREAS, City Council adopted the Mesa West Bluffs Urban Plan in April 2006, and the Urban Plan sets forth development standards and land use regulations relating to the nature and extent of land uses and structures in compliance with the City's 2000 General Plan;

WHEREAS, the Mesa West Bluffs Urban Plan establishes mixed-use development provisions for a mixed-use overlay district generally located within an approximately 277-acre area bound by Victoria Street (north), Superior Avenue (east), and City limits (south and west);

WHEREAS, a public hearing was held on October 27, 2008 and April 13, 2009 by the Planning Commission all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the environmental review for the project was processed in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, and the proposed project was found to be exempt from CEQA;

WHEREAS, the Planning Commission deems it to be in the best interest of the City that said Amendment No. 1 to the Mesa West Bluffs Urban Plan be adopted;

BE IT RESOLVED that the Planning Commission HEREBY **RECOMMENDS COUNCIL APPROVAL** of Amendment No. 1 to the Mesa West Urban Plan as set forth in Exhibit "A."

PASSED AND ADOPTED this 13TH day of April 2009.

JAMES RIGHEIMER, CHAIR
COSTA MESA PLANNING COMMISSION

STATE OF CALIFORNIA)

COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 13, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

KIMBERLY BRANDT
Secretary, Costa Mesa
Planning Commission

EXHIBIT “A”

AMENDED PAGES OF MESA WEST BLUFFS URBAN PLAN

OBJECTIVES OF URBAN PLAN

Purpose of Overlay Zoning

Overlay zoning is a useful tool in promoting the long-term goals of the Mesa West Bluffs Urban Plan. By giving a plan the weight of law, an overlay zoning district helps ensure successful implementation of the plan's strategies. The overlay zone applies zoning provisions to the Mesa West Bluffs Urban Plan area. When activated by an approved Master Plan, the underlying zoning district is superseded by the zoning regulations of the Mesa West Bluffs Urban Plan, unless otherwise indicated.

The Mesa West Bluffs Urban Plan does not propose any major intensification of land uses. The emphasis is on improving the Urban Plan area by providing visual enhancement and encouraging the development of live/work units or residential development within the plan area. Thus, future traffic will be supported by the General Plan roadway network.

With regard to the Live/Work Lofts or Residential Overlay Zone, the Mesa West Bluffs Urban Plan implements General Plan goals/objectives/policies for mixed-use development and new residential development by regulating allowable land uses and development standards.

The objectives of the Mesa West Bluffs Urban Plan include:

- *Identify development regulations* to realize the vision of the Urban Plan. These regulations address mixed-use development standards as well as public streetscapes and urban design improvements and amenities.
- *Provide a Land Use Matrix of allowable uses* for live/work development that recognizes the development potential of the

plan area and need to sensitively integrate new development with the surrounding areas, and therefore, promote both resident and business community confidence in the long term.

- *Encourage the construction of Live/Work Units* that combine residential and nonresidential uses in the same unit without exceeding the development capacity of the General Plan transportation system.
- *Attract more residents and merchants* by allowing mixed-use development in the form of a live/work loft, which offers first floor retail/office uses and upper story living spaces in the same unit.
- *Encourage adaptive reuse* of existing industrial or commercial structures, which would result in rehabilitated buildings with unique architecture and a wider array of complementary uses.
- *Stimulate improvement in the Mesa West Bluffs Urban Plan area* through well-designed and integrated urban residential development that is nontraditional in form and design with flexible open floor plans and which complements the surrounding existing development.

• *Meet demand for a new housing type* to satisfy a diverse residential population comprised of artists, designers, craftspeople, professionals and small-business entrepreneurs.

• *Promote new type of urban housing* that would be target-marketed to people seeking alternative housing choices in an industrial area. An urban loft would be an alternative to a traditional single-family residence, tract home, or small-lot subdivision.

• *Encourage the design and development of urban residential structures* reflecting the urban character of the surrounding industrial context both in the interior and exterior areas.

• *Encourage quality live/work development* which promote business activity through adequately-sized work spaces and amenity areas and which are distinct from residential lofts/life-style lofts in design and function.

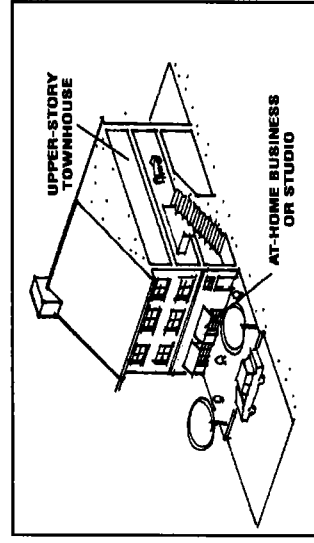
Figure 6: Artist Rendering of a Live/Work Unit



Figure 7: Artist Rendering of four-story residential building



Figure 8: Section Drawing of a Live/Work Unit, showing at-home business on the ground floor and living area



PLANNING PROCESS

It is the express intent of the Mesa West Bluffs Urban Plan to allow existing industrial and commercial businesses to continue to operate and expand consistent with existing General Plan and zoning requirements. Opportunities for live/work or residential development in the Mesa West Bluffs Urban Plan area involve properties that may be redeveloped, rehabilitated, or adaptively re-used.

The land use regulations for allowable development may only be activated through an approved Master Plan (Figure 11). These specific development regulations supersede those of the underlying zoning district (e.g. commercial and industrial), unless otherwise indicated.

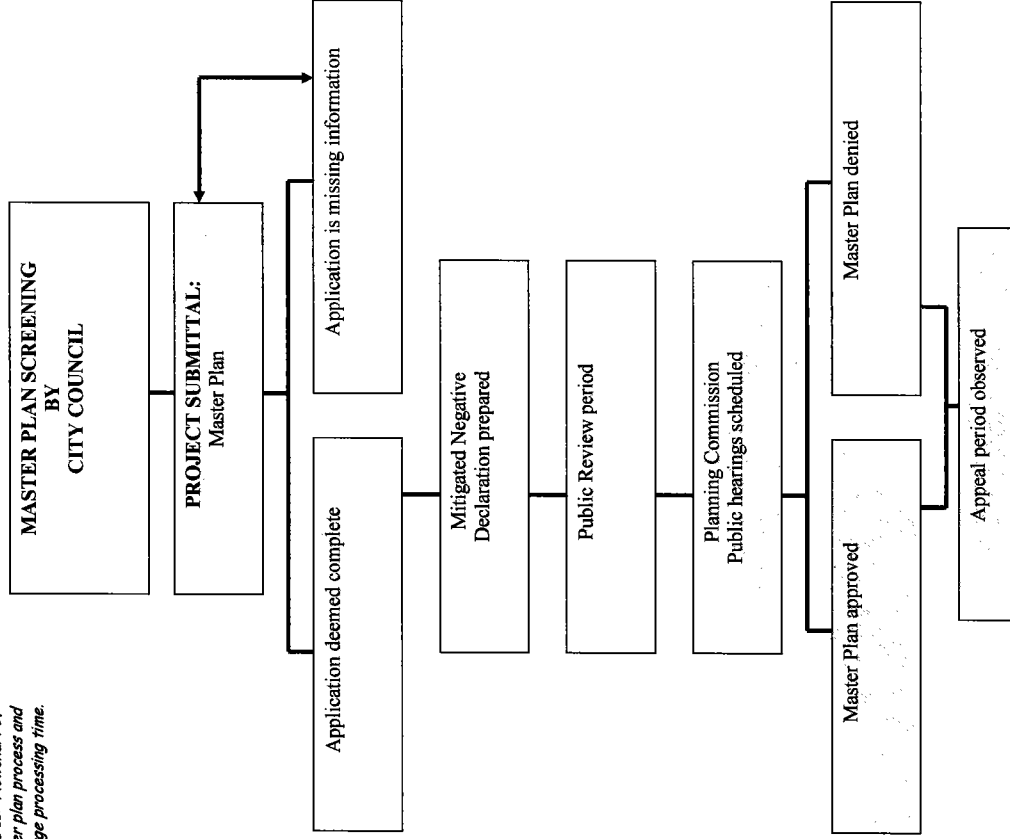
Live/work and residential development proposed in the Mesa West Bluffs Urban Plan area requires approval of a Master Plan pursuant to Title 13, Chapter II, Planning Applications, of the Costa Mesa Municipal Code. Applicants shall submit a screening application for consideration by City Council at a public meeting. No other concurrent application for development may be submitted for processing until City Council comments on the merits and appropriateness of the proposed development are received. Other than making comments, no other action on the screening application will be taken by City Council.

In accordance with City procedures, the Planning Commission reviews and considers Master Plans. Refer to Section 13-28(g), Master Plan, of the Zoning Code regarding the review process for preliminary Master Plans and amendments to the Master Plan.

A deviation from the Mesa West Bluffs district's development standards (as shown in Tables A1-A3-4 of the Mesa West Bluffs Urban Plan) may be approved through the Master Plan process provided that specific findings are made pursuant to the Zoning Code.

Master Plan for Mixed-Use Overlay Project

Figure 11: Flowchart of master plan process and average processing time.



Timeline:
About 4 months

PROJECT SUBMITTAL

Week 1

Week 4

Week 5-8

Week 9-11

Week 12-13

If denied, six months before similar application can be submitted

Week 14

DEFINITIONS

Live/Work Unit.*— A mixed-use development composed of commercially- or industrially-oriented joint work and living quarters in the same building, where typically the primary use is a place of work and where there are separately-designated residential and work areas. A live/work unit consists of the following: (a) living/sleeping area, kitchen, and sanitary facilities in conformance with the Uniform Building Code and (b) adequate work space accessible from the living area, reserved for, and regularly used by the resident(s).

Master Plan. The overall development plan for a parcel or parcels, which is depicted in both a written and graphic format.

Mixed-use development - Horizontal. A type of mixed-use development where nonresidential and residential uses are located adjacent to one another on the same or adjoining lots of the same development site and are typically sited in separate buildings.

Mixed-use development - Vertical. A type of mixed-use development where nonresidential and residential uses are located in the same building and where the dwelling units are typically located on the upper levels and the nonresidential uses on the lower levels.

Mixed-use overlay zoning district. A zoning district superimposed over a base zoning district, which modifies the regulations of the base zoning district to allow mixed-use development. The provisions of the mixed-use overlay district shall be distinct from and supersede, in some instances, the zoning regulations of the base zoning district when activated through an approved Master Plan.

Nonresidential component. Areas of the mixed-use development including, but not limited to, commercial/industrial buildings, work spaces, storage areas, public spaces, and parking areas primarily or exclusively used by the tenants of the businesses.

Overlay Zone - Zoning district that applies another set of zoning provisions to a specified area within an existing zoning district. The overlay zone supersedes the zoning regulations of the base zoning district, unless otherwise indicated.

Residential component. Areas of the mixed-use development, including but not limited to, buildings, habitable spaces, common spaces, recreational facilities, and parking areas primarily or exclusively used by the residents of the dwelling units.

Residential Loft/Urban-Loft. A residential loft is a multiple-family residential dwelling unit with an open or flexible floor plan designed to accommodate a variety of activities, including a but not limited to living, sleeping, food preparation, entertaining, and work spaces in a single housekeeping unit. Residential lofts can include multi-level townhomes and single-level stacked flats. Residential lofts typically have floor-to-ceiling dimensions in excess of 10 feet and may have open ceilings with exposed duct work, overhead lighting, fire sprinklers, etc.

Urban Plan. An implementation document adopted by resolution by the City Council that sets forth development standards and land use regulations relating to the nature and extent of land uses and structures in compliance with the City's General Plan. An Urban Plan is designed to establish the vision, development framework, and historical/local context for a specified area.

*[Refer to additional distinctions between live/work units and residential lofts on following page.]

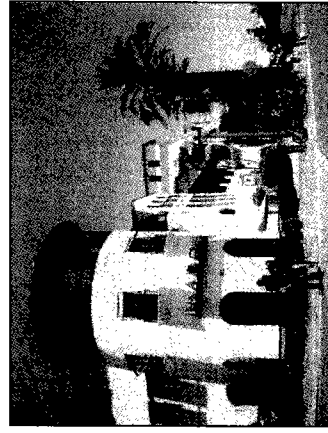


Figure 12: Photos of mixed-use development projects in other Orange County cities.

LIVE/WORK UNITS

Live/work units feature a building type that provides both employment and housing in an integrated unit. As a hybrid of living and working quarters, live/work development contributes to the diversity of land uses by spatially transitioning areas among industrial, commercial, and residential land uses.

There are many different forms of live/work units. The upstairs living/bedroom areas of a mom-and-pop store, the apartment of a lawyer next to his/her office, and the living quarters of an hair stylist above his/her salon are all examples of live/work units.

The Urban Plan offers flexible development standards and consideration of deviations from these requirements to encourage live/work units. To promote this new type of urban housing, live/work units will typically not feature the same extent of open space amenities (i.e. swimming pool areas, common meeting rooms, barbecue/picnic areas, and private balconies) as those amenities required in a residential development. In fact, in exchange for higher densities and development flexibility, the Urban Plan allows minimal open space amenities. Increased densities (i.e. 15-20 units per acre) and up to 1.0 FAR are promoted in live/work developments.

A fundamental challenge of creating viable live/work units is ensuring that the live/work unit does not become a purely residential use, lacking adequate common and open space amenities. In other words, there must be a realistic expectation that business activities could occur within the work space, and therefore, the unit would not be exclusively used as a residence.

To encourage functional live/work environments and discourage reversion to residential lofts, the Urban Plan establishes a minimum size for the

work space. The work space must minimum standards as specified in Table A2 in order to be considered a live/work unit.

Live/work units appeal to small business owners, provided that the work space could adequately serve their business activities and potential customer patronage. If the "work" portion is only incidental or accessory to the "live" portion, the structure may be considered a residential unit. If proposed projects do not meet minimum standards for work space size and/or lack critical design features for a viable live/work development, these projects may be more appropriately considered residential lofts and therefore subject to residential development standards.

RESIDENTIAL REVERSION OF LIVE/WORK UNITS

Reversion of live/work units to residential lofts is expressly discouraged. Developers should consider and integrate the following elements into a live/work development:

- **WORK SPACE VIABILITY:** Does the project include an adequately sized work space, representing at least 25% of the overall square footage of the live/work unit?
- **LIVABILITY:** Does the live/work development create a small business community where social interaction through common areas, courtyards, pedestrian plazas, and common meeting facilities is promoted?
- **COMMERCIAL VISIBILITY:** Does the live/work development feature "garage-style" doors consisting of window panes that roll-up to reveal the interior work space, large view windows, or other design solutions which showcase business activity in the work space area?

- **FUNCTIONALITY:** Are work spaces and living spaces distinguishable, either through visibility by the general public, separate entrances/exits, or other means?

- **RESIDENTIAL REVERSION:** Is there a reasonable expectation that business activities would occur in the work space and that the live/work unit would not likely revert to a residential use in the future?

- **DEED RESTRICTION:** Can certain restrictions promoting the "live" portion as accessory to the "work portion" ensure the functionality of the live/work unit?

RESIDENTIAL LOFTS

Residential lofts in the Mesa West Urban Plan areas are limited to 13 dwelling units per acre.

Residential lofts may incidentally provide a small work space area (200-250 square feet) for home occupation-type businesses, but the primary purpose is to serve as living quarters and not for commerce.

Therefore, in contrast to a live/work unit, these residential lofts will provide greater opportunities for spontaneous interaction among residents as they come and go in "interactive spaces" such as common courtyards, atriums, swimming pool areas, and other amenity areas.

In summary, a residential loft will appeal to a traditional homebuyer without a small business. Oftentimes first-time homebuyers, young urban professionals, and couples without children gravitate towards residential lofts as their initial

home purchase due to their pricepoint and lifestyle amenities.

IMPORTANT DISTINCTIONS BETWEEN LIVE/WORK LOFTS AND RESIDENTIAL LOFTS

DENSITY:

- Residential lofts are limited to a density of 13 dwelling units per acre.
- Live/work development may be constructed up to 1.0 FAR, provided that the proposed project is within the General Plan circulation system. This may result in 15-20 live/work units per acre.

OPEN SPACE:

- Residential lofts at 13 du/acre must include a minimum 200 square-foot open space area for each unit.
- Live/work units are not required to have the same level of open space amenities (i.e. swimming pool areas, common meeting rooms, barbecue/picnic areas, and private balconies) as those amenities required in a residential development.

DEVELOPMENT STANDARDS

The land use regulations for allowable live/work and residential development are activated by a Master Plan. The development regulations of the base zoning district shall be superseded by those contained in the Mesa West Bluffs Urban Plan, unless otherwise noted (Tables A1-A3, Development Standards).

DEVIATIONS

A Master Plan is required to activate the zoning provisions of the Urban Plan. An approved Master Plan will allow new construction that does not fully meet all the applicable sections of the Zoning Code and Urban Plan requirements.

Through the review process, the applicant must demonstrate why strict compliance with current requirements is either infeasible or unnecessary for the proposed project.

Deviations from development standards may be granted through the master plan approval process with consideration to existing development configuration, compatibility of adjacent uses, inclusion of pedestrian-oriented space, and/or inclusion of amenities along the street side.

Pursuant to Section 13-83.52(d) of the Costa Mesa Municipal Code, a deviation from mixed-use development standards may be approved through the master plan process provided that the following findings be made:

1. The strict interpretation and application of the mixed-use overlay district's development standards would result in practical difficulty inconsistent with the purpose and intent of the General Plan

and Urban Plan, while the deviation to the regulation allows for a development that better achieves the purpose and intent of the General Plan and Urban Plan.

2. The granting of the deviation results in a mixed-use development which exhibits excellence in design, site planning, integration of uses and structures and compatibility standards for residential development.
3. The granting of a deviation will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Additional on-site and off-site amenities contributing to the project's overall design excellence may enable appropriate findings for approval of the requested deviations to be made.

In exchange for any deviation from any current standard, the project must provide quality environments and substantial amenities, which may include:

On-Site Amenities (Development Lot)

- a. Pedestrian-oriented courtyards, atriums that provide "interactive spaces" for residents.
- b. Common meeting room facilities in which business assistance/facilities would be provided in a live/work setting (i.e. Live/Work incubators).
- c. Shared garages instead of carports for greater security.
- d. Compliance with the City's Energy Star Program for residential structures.
- e. LEED Certification.
- f. Green Technology features (green decks, green roofs, irrigation with reclaimed water, etc.)

- g. Useable common open space with amenities such as a tot lot, swimming pool, outdoor recreational facilities.
- h. Community garden areas and meeting areas.
- i. Additional landscape materials that exceed Zoning Code requirements in terms of number or size. For example, exchanging required 1-gallon plants for 5-gallon plants.
- j. Provision of landscaping that consists primarily of California native species.
- k. Upgraded windows and exterior doors for noise reduction and energy conservation.
- l. Other amenities that enhance the project and the overall neighborhood.

Off-Site Amenities (Public Realm)

- a. Undergrounding of utilities in public right-of-way.
- b. Streetscape improvements including planting materials and street furnishings.
- c. Decorative crosswalks consisting of stamped concrete, pavers, or brick.
- d. Light standards with cohesive design theme.
- e. Monument signage for community identity.
- f. Landscaped medians and landscaped planters in public right-of-way.
- g. Repair/replacement of sidewalks in immediate vicinity of project area.

<p align="center">TABLE A1: LIVE/WORK AND RESIDENTIAL DEVELOPMENT STANDARDS <i>(See also additional development standards specific to live/work developments [Table A2] and residential development [Table A3].)</i> MESA WEST BLUFFS URBAN PLAN DEVELOPMENT STANDARDS</p>							
DEVELOPMENT STANDARD	Deviations from development standards may be granted through the master plan approval process with consideration to existing development configuration, compatibility of adjacent uses, inclusion of pedestrian-oriented space, and/or inclusion of amenities along the street side.						
<u>Common Amenity Lot Required</u>	<table border="1"> <thead> <tr> <th>Development Lot Size</th><th>Minimum Common Lot Required</th></tr> </thead> <tbody> <tr> <td>Less than ½ acre</td><td>Minimum 750 sq.ft.</td></tr> <tr> <td>½ acre lot or greater</td><td>Minimum 1,000 sq.ft.</td></tr> </tbody> </table> <p>This lot provides common open space and recreational opportunities and is distinct from common lot areas for driveways, parking, and walkways.</p>	Development Lot Size	Minimum Common Lot Required	Less than ½ acre	Minimum 750 sq.ft.	½ acre lot or greater	Minimum 1,000 sq.ft.
Development Lot Size	Minimum Common Lot Required						
Less than ½ acre	Minimum 750 sq.ft.						
½ acre lot or greater	Minimum 1,000 sq.ft.						
Overall Maximum Building Height	<p><u>Maximum 4 stories/ 60 feet</u></p> <ol style="list-style-type: none"> 1. Roof gardens/terraces in mixed-use development projects shall not be considered a story. 2. Lofts, as defined in Section 13-6 of the Zoning Code, without exterior access and having only clerestory windows will not be regarded as a story. 						
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. Attics above the maximum number of stories shall be an integral part of the building roofline and not appear as an additional story on any building elevation. Windows in any attic space above the maximum number of stories shall be incidental and limited to a dormer style.						
Window Placement	Window placement should take into account surrounding land uses. Clerestory windows should be used in areas where there are privacy or view concerns.						
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see Section 13-34 Bluff-Top Development)						
Distance between main buildings	Minimum 10 foot distance between main buildings on the same site.						
Distance between accessory structures.	Minimum 6 foot distance between accessory structures and main buildings.						
POOLS AND SPAS							
Above-ground pools and spas shall not be located in the required front setback from a public street and are subject to rear and side yard setbacks for main structures. Additional setbacks may be applicable pursuant to Uniform Building Code requirements.							
PROJECTIONS (Maximum depth of projections given)							
Roof or Eaves Overhang; Awning	2 feet 6 inches into required side setback or building separation area. 5 feet into required front or rear setback.						
Open, unenclosed stairways.	2 feet 6 inches into required setback area.						
Chimneys	2 feet above maximum building height.						
Fireplaces	2 feet into required setback or building separation area						
ADDITIONAL DEVELOPMENT STANDARDS							
Common Interest Developments	Required for all residential or live/work developments.						
<u>Window Placement</u>	<u>Window placement should take into account surrounding land uses. Clerestory windows should be used in areas where there are privacy or view concerns.</u>						
Building Materials	A variety of building materials shall be incorporated into the design of the exterior elevations.						
Mechanical Ventilation	All units shall be mechanically ventilated.						

Residential Noise Levels	<p>1. Residential interior noise levels must be met for interior residential living spaces. Residential exterior noise levels must be met on all private patios, upper-story decks, and balconies. However, residential exterior noise levels do not need to be satisfied on roof-top decks/terraces or in common open space areas.</p> <p>2. Noise study required with project application to document onsite noise levels from surrounding land uses.</p>
Onsite Private Recreational Facilities	Provision of onsite private recreational facilities that are designed for the anticipated demographic profile of the residential development.
Garage	Garages are required to be used for vehicle storage.
<u>Tandem Garage Parking</u>	<u>Minimum 10-foot wide x 38-foot long interior dimensions for garages containing two tandem parking spaces</u>
Notice	In conjunction with the sale of any unit, adequate notice shall be given of the existing surrounding industrial land uses, including but not limited to, operational characteristics such as hours of operation, delivery schedules, outdoor activities, noise, and odor generation.
<u>Other Mixed-Use Development</u>	<u>The Mesa West Urban Plan emphasizes live/work units or residential development. If other types of mixed-use development is proposed (i.e. vertical mixed-use development with groundfloor retail and upperfloor residential units), refer to the 19 West Urban Plan or SoBECA Urban Plan for relevant mixed-use development standards.</u>
<u>DEVIATIONS</u>	
	<u>Deviations from development standards may be granted through the master plan approval process with consideration to the inclusion of on-site and off-site amenities which may justify the deviation. See Page 10 of Urban Plan.</u>

TABLE A2: LIVE/WORK DEVELOPMENT STANDARDS (See also Table A1 for additional live/work development standards).									
Minimum Lot Size	None								
Maximum Floor Area Ratio for mixed-use development project (e.g. live/work units) <ul style="list-style-type: none">Commercial Base Zoning DistrictIndustrial Base Zoning District	1.0 FAR* 1.0 FAR* *IMPORTANT NOTE: The overall density/intensity of proposed development is dependent on many factors and not solely the maximum allowable FAR. For example, the FAR and vehicle trip generation work in concert to ensure that the proposed development does not exceed the capacity of the General Plan circulation system. Therefore, the maximum allowable FAR may be lower than 1.0 FAR, depending upon the capacity allowed by the General Plan circulation system. Additionally, site plan layout, parking requirements, and building design are other important variables. See page [#] for more discussion.								
Size of Work Space in Live/Work Unit	<table><tr><td>For units up to 1,000 sq.ft. in size</td><td>For units between 1,000 to 1,500 sq.ft. in size</td><td>For units greater than 1,500 sq.ft. in size</td></tr><tr><td>Minimum workspace is 25% of total square footage of unit</td><td>Minimum workspace is 30% of total square footage of unit</td><td>Minimum workspace is 35% of total square footage of unit</td></tr></table> (Work space excludes bathroom, kitchen, balcony/mezzamines, and/or hallway areas.)			For units up to 1,000 sq.ft. in size	For units between 1,000 to 1,500 sq.ft. in size	For units greater than 1,500 sq.ft. in size	Minimum workspace is 25% of total square footage of unit	Minimum workspace is 30% of total square footage of unit	Minimum workspace is 35% of total square footage of unit
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Minimum workspace is 25% of total square footage of unit	Minimum workspace is 30% of total square footage of unit	Minimum workspace is 35% of total square footage of unit							
Maximum Development Lot Coverage	Maximum 90%								
Minimum Open Space of Development Lot	Minimum 10% (This minimum open space requirement strictly applies to the overall development lot area and does not include areas above grade such as upperfloor balconies, patios, and roof decks.) This minimum 10% open space will be in addition to any residential open space required per dwelling unit.)								
Common Open Space of Development Lot	Minimum 2,000 sq.ft. lot to serve as common outdoor amenity lot for recreational purposes. This amenity lot does not include vehicle parking/circulation areas or street landscaped setback areas.								
FRONT BUILD-TO-LINE AND SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS									
Minimum distances given, unless otherwise noted. All setbacks from streets to development lots are measured from the ultimate property line shown on the Master Plan of Highways. Increased side and rear setbacks may be required pursuant to Uniform Building Code requirements.									
Front Build-To-Line <ul style="list-style-type: none">Abutting public street	Build-To-Line of 10 feet along all public streets								

Side Setback <ul style="list-style-type: none"> • Interior • Abutting a public street • Abutting a publicly-dedicated alley • Abutting residential zone 	0 feet 10 feet along Whittier Ave., Wallace St., Placentia St., Pomona Ave., Anaheim Ave., W. 16 th St., W. 17 th St., W. 18 th St., and W. 20 th St. 5 feet for all other streets 5 feet 20 feet
Rear Setback <ul style="list-style-type: none"> • Abutting a public street • Abutting residential zone • All other rear property lines 	10 feet along all public streets 20 feet 0 feet
PARKING <ol style="list-style-type: none"> 1. Vehicle parking is required either on-site or on another lot within a distance deemed acceptable by the Planning Commission. A reduction in the vehicle parking requirements shall be determined as outlined in "City of Costa Mesa Procedure for Determining Shared Parking Requirements." The parking reduction for the mixed-use development project and may be approved in conjunction with the master plan approval. 2. Parking spaces shall be specifically designated for tenants and guests of live/work units by the use of posting, pavement markings, and physical separation. The parking area design may include the use of alternative parking techniques such as mechanized stacked parking systems to satisfy parking requirements, subject to review and approval by the Planning Commission. Parking design shall also consider the use of separate entrances and exits, or a designated lane, for residents, so that residents are not waiting in line behind shoppers or moviegoers. Parking structures shall be architecturally integrated with the project design. 3. Parking structures shall be screened from view at street level and include architectural detailing, artwork, landscape, or similar visual features to enhance the street facade. Screening of parking structure levels above street grade is encouraged through the use of vines or architectural screening detail that is compatible with the project. 	

Live/Work Units	1. Parking requirements for live/work units are based on the type of commercial/industrial activities conducted in the work space. Additional parking may be required for higher intensity live/work units compared to those units which function as home businesses. Transportation Services Division shall determine the appropriate parking rates to be applied to live/work development on a case-by-case basis, depending on the allowable uses.		
	Minimum parking requirements for live/work units (with similar function to home occupations) shall be applied as follows:		
	Live/Work Unit	Tenant Parking Space ^(2a)	Guest Parking Space
	To 1,000 sq.ft.	1.0 space per unit	1.5 space per unit
	To 2,000 sq.ft.	1.5 spaces per unit	1.5 space per unit
	To 3,000 sq.ft.	2.0 spaces per unit	1.5 space per unit
	Over 3,000 sq.ft.	2.5 spaces per unit	1.5 space per unit
i. <u>Assigned Tenant Parking.</u> No less than one covered, tenant assigned parking space provided for each unit.			
ii. The application of these parking requirements apply to “permitted” uses in live/work units. Any conditionally permitted uses may be subject to additional parking requirements depending on the proposed business activities.			
SIGNAGE			
A Planned Signing Program is required. Total area of all freestanding signs may not exceed 50% of total allowed sign area per street frontage pursuant to the City’s Sign Ordinance.			
Building Wall Sign	Wall signs shall not exceed one square foot of sign area for each linear foot of building frontage or portion thereof.		
Freestanding Sign along Whittier Ave., Wallace St., Placentia St., Pomona Ave., Anaheim Ave., W. 16 th St., W. 17 th St., W. 18 th St., and W. 20 th St	Maximum 25 feet in height including the base.		
Freestanding Sign along all other public streets	Maximum 7 feet in height including the base		
	Total area of all freestanding signs may not exceed 50% of total allowed sign area per street frontage pursuant to the City’s Sign Ordinance.		

<p align="center"><u>TABLE A3:</u></p> <p align="center">RESIDENTIAL DEVELOPMENT STANDARDS</p> <p align="center"><i>(Please see also Table A1 for additional residential development standards.)</i></p>	
Minimum Lot Size	One Acre
Maximum Density	Maximum 13 units per acre
Maximum Development Lot Coverage	Maximum 60 percent of total lot area
Minimum Open Space Development Lot: Residential Open Space:	<p>Minimum 40 percent of total lot area</p> <p>Minimum 200 sq.ft. per dwelling unit of residential component</p> <p>(This requirement does not apply to live/work units)</p> <p>Residential open space may be any combination of private and common open space areas. Common open space may be distributed throughout the residential component of the mixed-use development and need not be in a single large area. Common open space areas may be satisfied by common roof gardens, common recreational/leisure areas, recreational facilities featuring swimming pools, decks, and court game facilities. Private open space may be provided for each dwelling unit above the first floor in the form of a private patio or balcony.</p>
<p>FRONT BUILD-TO-LINE AND SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS</p> <p>Minimum distances given, unless otherwise noted. All setbacks from streets to development lots are measured from the ultimate property line shown on the Master Plan of Highways. Increased side and rear setbacks may be required pursuant to Uniform Building Code requirements.</p>	
Front Build-To-Line <ul style="list-style-type: none"> • Abutting public street 	Build-To-Line of 10 feet along all public streets
Side Setback <ul style="list-style-type: none"> • Interior • Abutting a public street • Abutting a publicly-dedicated alley • Abutting residential zone 	<p>0-foot setback on interior property lines if structure is non habitable</p> <p>10-foot setback if structure is habitable.</p> <p>10 feet along Whittier Ave., Wallace St., Placentia St., Pomona Ave., Anaheim Ave., W. 16th St., W. 17th St., W. 18th St., and W. 20th St.</p> <p>5 feet for all other streets</p> <p>5 feet</p> <p>10 feet</p>
Rear Setback <ul style="list-style-type: none"> • Abutting a public street • Abutting residential zone • All other rear property lines 	<p>10 feet along all public streets</p> <p>10 feet</p> <p>5 feet</p>
Parking	<p>Residential parking requirements shall be applied pursuant to Section 13-87, Chapter VI, Off-street Parking Requirements, of the Zoning Code. An exception is made for residential lofts where the following parking requirements are applied:</p> <p><u>Residential Loft Parking Requirements:</u></p> <ol style="list-style-type: none"> 1. 1,000 square feet or less in size: 1 covered space and 0.5 guest space 2. More than 1,000 square feet in size: 2 covered spaces and 0.5 guest space

Location criteria	<ol style="list-style-type: none"> 1. Residential projects should be located in proximity to existing residential neighborhoods. 2. For residential projects that are proposed in a predominantly industrial area, the following design considerations should be applied: <ol style="list-style-type: none"> i. Project design should be “urban loft” in character in both exterior and interior design. ii. Roof-top decks are encouraged. iii. Orientation of living areas including patios and decks from abutting industrial properties. iv. Units should be oriented towards an internal courtyard, amenities, and/or recreational area.
Design Guidelines	Compliance with Residential Design Guidelines



PLANNING COMMISSION

SUPPLEMENTAL MEMO

VI. 1a.

MEETING DATE: APRIL 13, 2009

ITEM NUMBER

SUBJECT: PUBLIC CORRESPONDENCE AND MINOR REVISIONS:

URBAN PLAN AMENDMENT NO. 1 TO THE MESA WEST BLUFFS URBAN PLAN

DATE: APRIL 8, 2009

FOR FURTHER INFORMATION CONTACT: CLAIRES L. FLYNN, AICP, PRINCIPAL PLANNER
(714) 754-5278

Attached is public correspondence. Staff has addressed these comments by recommending minor revisions to the amended pages (see Exhibits A - D). This table summarizes the communication recently received:

Name	Brief Summary
Eleanor Egan <i>Former Planning Commissioner</i> <i>Attachment 4 & 5: 8/28/2008 Correspondence and 4/9/09 Telephone Communication:</i>	Ms. Egan indicated, "If Costa Mesa is to remain a desirable place to live, we must think and plan for the future and not just react to the demands of hit-and-run developers ... [and she urges] bold actions to prevent the decay of our residential neighborhoods." Her comments resulted in the changes shown in Exhibits A & B.
Bill Turpit <i>Former WROC Committee member</i> <i>Attachment 1:</i> <i>4/08/2009 Email Correspondence:</i>	Mr. Turpit recommended language for common amenity areas. These minor text changes are shown in Exhibit C and D.
John Batista <i>Former Bristol St. Committee Member</i> <i>4/08/2009 Telephone Communication</i>	Mr. Batista believes that "live/work units are a big problem because businesses may fail and people end up just living there." He indicated that it is too difficult to regulate live/work units and suggested that commercial spaces and living spaces be completely located in separate units and not contained in a single unit.
Peter Koetting <i>Former Bristol St. Committee Member</i> <i>Attachment 2:</i> <i>4/08/2009 Email Communication</i>	Mr. Koetting is supportive of the amendment. He also indicated in phone conversation that he is not aware of the problems associated with live/work units. He indicated that it may be a sign of the economic times.
Scott Clements <i>Former Bristol St. Committee Member</i> <i>Attachment 3:</i> <i>4/08/2009 Email Communication</i>	Mr. Clements is supportive of the amendment. He believes the best way to cope with the problems with live/work units is through design and parking standards that make the units "unattractive for residential use."

Distribution: Deputy City Manager- Dev. Svcs. Director
Asst. Dev. Svcs. Director
Assistant City Attorney
Staff (4)
File (2)

ADOPTED APRIL 4, 2006 (PROPOSED AMENDMENT IN MARCH, 2009)

MESA WEST BLUFFS Urban Plan

LIVE/WORK UNITS

Live/work units feature a building type that provides both employment and housing in an integrated unit. As a hybrid of living and working quarters, live/work development contributes to the diversity of land uses by spatially transitioning areas among industrial, commercial, and residential land uses.

There are many different forms of live/work units. The upstairs living/bedroom areas of a mom-and-pop store, the apartment of a lawyer next to his/her office, and the living quarters of an hair stylist above his/her salon are all examples of live/work units.

The Urban Plan offers flexible development standards and consideration of deviations from these requirements to encourage live/work units. To promote this new type of urban housing, live/work units will typically not feature the same extent of open space amenities (i.e. swimming pool areas, common meeting rooms, barbeque/picnic areas, and private balconies) as those amenities required in a residential development. In fact, in exchange for higher densities and development flexibility, the Urban Plan allows minimal open space amenities. Increased densities (i.e. 15-20 units per acre) and up to 1.0 FAR are promoted in live/work developments.

A fundamental challenge of creating viable live/work units is ensuring that the live/work unit does not become a purely residential use, lacking adequate common and open space amenities. In other words, there must be a realistic expectation that business activities could occur within the work space, and therefore, the unit would not be exclusively used as a residence.

To encourage functional live/work environments and discourage reversion to residential lofts, the Urban Plan establishes a minimum size for the

work space. The work space must meet minimum standards as specified in Table A2 in order to be considered a live/work unit.

Live/work units are typically designed for one or two adults, not for families. Compared to residential uses, live/work units would therefore present a reduced demand for multiple cars, open space, and parking.

Live/work units appeal to small business owners, provided that the work space could adequately serve their business activities and potential customer patronage. If the "work" portion is only incidental or accessory to the "live" portion, the structure may be considered a residential unit. If proposed projects do not meet minimum standards for work space size and/or lack critical design features for a viable live/work development, these projects may be more appropriately considered residential lofts and therefore subject to residential development standards.

RESIDENTIAL REVERSION OF LIVE/WORK UNITS

Reversion of live/work units to residential lofts is expressly discouraged. Developers should consider and integrate the following elements into a live/work development:

- **WORK SPACE VIABILITY:** Does the project include an adequately sized work space, representing at least 25% of the overall square footage of the live/work unit?
- **LIVABILITY:** Does the live/work development create a small business community where social interaction through common areas, courtyards, pedestrian plazas, and common meeting facilities is promoted?

- **COMMERCIAL VISIBILITY:** Does the live/work development feature "garage-style" doors consisting of window panes that roll-up to reveal the interior work space, large view windows, or other design solutions which showcase business activity in the work space area?

- **FUNCTIONALITY:** Are work spaces and living spaces distinguishable, either through visibility by the general public, separate entrances/exits, or other means?

- **RESIDENTIAL REVERSION:** Is there a reasonable expectation that business activities would occur in the work space and that the live/work unit would not likely revert to a residential use in the future?

- **DEED RESTRICTION:** Can certain restrictions promoting the "live" portion as accessory to the "work portion" ensure the functionality of the live/work unit?

RESIDENTIAL LOFTS

Residential lofts in the Mesa West Urban Plan areas are limited to 13 dwelling units per acre.

Residential lofts may incidentally provide a small work space area (200-250 square feet) for home occupation-type businesses, but the primary purpose is to serve as living quarters and not for commerce.

Therefore, in contrast to a live/work unit, these residential lofts will provide greater opportunities for spontaneous interaction among residents as they come and go in "interactive

spaces" such as common courtyards, atriums, swimming pool areas, and other amenity areas.

In summary, a residential loft will appeal to a traditional homebuyer without a small business. Oftentimes first-time homebuyers, young urban professionals, and couples without children gravitate towards residential lofts as their initial home purchase due to their pricepoint and lifestyle amenities.

IMPORTANT DISTINCTIONS BETWEEN LIVE/WORK LOFTS AND RESIDENTIAL LOFTS

DENSITY:

- Residential lofts are limited to a density of 13 dwelling units per acre.
- Live/work development may be constructed up to 1.0 FAR, provided that the proposed project is within the General Plan circulation system. This may result in 15-20 live/work units per acre.

OPEN SPACE:

- Residential lofts at 13 du/acre must include a minimum 200 square-foot open space area for each unit.
- Live/work units are not required to have the same level of open space amenities (i.e. swimming pool areas, common meeting rooms, barbeque/picnic areas, and private balconies) as those amenities required in a residential development.

ADOPTED APRIL 4, 2006 (PROPOSED AMENDMENT IN MARCH, 2009)

MEZA WEST BLUFFS Urban Plan

DEVELOPMENT STANDARDS

The land use regulations for allowable live/work and residential development are activated by a Master Plan. The development regulated by the base zoning district shall be superseded by those contained in the Mesa West Bluffs Urban Plan, unless otherwise noted (Tables A1-A3, Development Standards).

DEVIATIONS

A Master Plan is required to activate the zoning provisions of the Urban Plan. An approved Master Plan will allow new construction that does not fully meet all the applicable sections of the Zoning Code and Urban Plan requirements.

Through the review process, the applicant must demonstrate why strict compliance with current requirements is either infeasible or unnecessary for the proposed project.

Deviations from development standards may be granted through the master plan approval process with consideration to existing development configuration, compatibility of adjacent uses, inclusion of pedestrian-oriented space, and/or inclusion of amenities along the street side.

Pursuant to Section 13-83.92(d) of the Costa Mesa Municipal Code, a deviation from mixed-use development standards may be approved through the master plan process provided that the following findings be made:

1. The strict interpretation and application of the mixed-use overlay district's development standards would result in practical difficulty inconsistent with the purpose and intent of the General Plan

and Urban Plan, while the deviation to the regulation allows for a development that better achieves the purpose and intent of the General Plan and Urban Plan.

2. The granting of the deviation results in a mixed-use development which exhibits excellence in design, site planning, integration of uses and structures and compatibility standards for residential development.

3. The granting of a deviation will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Additional on-site and off-site amenities contributing to the project's overall design excellence may enable appropriate findings for approval of the requested deviations to be made.

In exchange for any deviation from any current standard, the project must provide quality environments and substantial amenities, which may include:

On-Site Amenities (Development Lot)

- a. Pedestrian-oriented plazas, courtyards, atriums that provide "interactive spaces" for residents.
- b. Common meeting room facilities in which business assistance/facilities would be provided in a live/work setting (i.e. Live/work incubators).
- c. Shared garages instead of carports for greater security.
- d. Compliance with the City's Energy Star Program for residential structures.
- e. LEED Certification.
- f. Green Technology features (green decks, green roofs, irrigation with reclaimed water, etc.)

- g. Useable common open space with amenities, such as a tot lot, swimming pool, outdoor recreational facilities.
- h. Community garden areas and meeting areas.
- i. Additional landscape materials that exceed Zoning Code requirements in terms of number or size. For example, exchanging required 1-gallon plants for 5-gallon plants.
- j. Provision of landscaping that consists primarily of California native species.
- k. Upgraded windows and exterior doors for noise reduction and energy conservation.
- l. Other amenities that enhance the project and the overall neighborhood.

Off-Site Amenities (Public Realm)

- a. Undergrounding of utilities in public right-of-way.
- b. Streetscape improvements including planting materials and street furnishings.
- c. Decorative crosswalks consisting of stamped concrete, pavers, or brick.
- d. Light standards with cohesive design theme.
- e. Monument signage for community identity.
- f. Landscaped medians and landscaped planters in public right-of-way.
- g. Repair/replacement of sidewalks in immediate vicinity of project area.

Required Findings for Deviations from Development Standards for Live/Work Units

In addition to on-site and off-site amenities, the City will require a finding in support of requested deviations from the development standards for live/work units. Specifically, the finding will indicate that granting the requested deviation(s) will not make the live work unit(s) more suitable for use that is primarily residential.

*

TABLE A1:

LIVE/WORK AND RESIDENTIAL DEVELOPMENT STANDARDS

(See also additional development standards specific to live/work developments [Table A2] and residential development [Table A3].)

MESA WEST BLUFFS URBAN PLAN

DEVELOPMENT STANDARDS

DEVELOPMENT STANDARD	Deviations from development standards may be granted through the master plan approval process with consideration to existing development configuration, compatibility of adjacent uses, inclusion of pedestrian-oriented space, and/or inclusion of amenities along the street side.						
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Window Placement	Window placement should take into account surrounding land uses. Clerestory windows should be used in areas where there are privacy or view concerns.						
Bluff Top Setback	No building or structure closer than 10 feet from bluff crest (see Section 13-34 Bluff-Top Development)						
Distance between main buildings	Minimum 10 foot distance between main buildings on the same site.						
Distance between accessory structures.	Minimum 6 foot distance between accessory structures and main buildings.						
POOLS AND SPAS							
Above-ground pools and spas shall not be located in the required front setback from a public street and are subject to rear and side yard setbacks for main structures. Additional setbacks may be applicable pursuant to Uniform Building Code requirements.							
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Building Materials	A variety of building materials shall be incorporated into the design of the exterior elevations.						
Mechanical Ventilation	All units shall be mechanically ventilated.						

TABLE A2:**LIVE/WORK DEVELOPMENT STANDARDS***(See also Table A1 for additional live/work development standards).*

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Maximum Floor Area Ratio for mixed-use development project (e.g. live/work units) <ul style="list-style-type: none">Commercial Base Zoning DistrictIndustrial Base Zoning District	1.0 FAR* 1.0 FAR* <u>*IMPORTANT NOTE:</u> The overall density/intensity of proposed development is dependent on many factors and not solely the maximum allowable FAR. For example, the FAR and vehicle trip generation work in concert to ensure that the proposed development does not exceed the capacity of the General Plan circulation system. Therefore, the maximum allowable FAR may be lower than 1.0 FAR, depending upon the capacity allowed by the General Plan circulation system. Additionally, site plan layout, parking requirements, and building design are other important variables. See page [#] for more discussion.								
Size of Work Space in Live/Work Unit	<table><tr><td>For units up to 1,000 sq.ft. in size</td><td>For units between 1,000 to 1,500 sq.ft. in size</td><td>For units greater than 1,500 sq.ft. in size</td></tr><tr><td>Minimum workspace is 25% of total square footage of unit</td><td>Minimum workspace is 30% of total square footage of unit</td><td>Minimum workspace is 35% of total square footage of unit</td></tr></table> <p>(Work space excludes bathroom, kitchen, balcony/mezzamines, and/or hallway areas.)</p>			For units up to 1,000 sq.ft. in size	For units between 1,000 to 1,500 sq.ft. in size	For units greater than 1,500 sq.ft. in size	Minimum workspace is 25% of total square footage of unit	Minimum workspace is 30% of total square footage of unit	Minimum workspace is 35% of total square footage of unit
For units up to 1,000 sq.ft. in size	For units between 1,000 to 1,500 sq.ft. in size	For units greater than 1,500 sq.ft. in size							
Minimum workspace is 25% of total square footage of unit	Minimum workspace is 30% of total square footage of unit	Minimum workspace is 35% of total square footage of unit							
Maximum Development Lot Coverage	Maximum 90%								
Minimum Open Space of Development Lot	Minimum 10% <p>(This minimum open space requirement strictly applies to the overall development lot area and does not include areas above grade such as upperfloor balconies, patios, and roof decks.) This minimum 10% open space will be in addition to any residential open space required per dwelling unit.)</p>								
Common Open Space of Development Lot [proposed text to be deleted]	Minimum 2,000 sq.ft. lot to serve as common outdoor amenity lot for recreational purposes. This amenity lot does not include vehicle parking/circulation areas or street landscaped setback areas. *								
FRONT BUILD-TO-LINE AND SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS <p>Minimum distances given, unless otherwise noted. All setbacks from streets to development lots are measured from the ultimate property line shown on the Master Plan of Highways. Increased side and rear setbacks may be required pursuant to Uniform Building Code requirements.</p>									
Front Build-To-Line <ul style="list-style-type: none">Abutting public street	Build-To-Line of 10 feet along all public streets								

From: Bill Turpit [mailto:BTurpit@jdtplaw.com]
Sent: Wednesday, April 08, 2009 6:59 PM
To: FLYNN, CLAIRE
Subject: RE: Common Amenity Lot Discussion

Claire:

I still have a concern with your use of the word "lot" wherever you have used the term "common amenity lot". It doesn't work for typical condominium development within a single lot. In a typical single-lot condominium development there will be no separate "lot" on the ground encompassing just the common use recreational and open space areas. Those areas will be a portion of the Common Area or the Association Property, depending on how the Condo Plan definitions are written. So the use of the word "lot" will cause confusion to developers of condo live/work projects. In Tables A1 and A2, I recommend you replace the word "lot" with "**area**", as follows:

TABLE A1

- "Common Amenity Lot Required" becomes "**Common Amenity Area Required**"
- "Minimum Common Lot Required" becomes "**Minimum Common Amenity Area Required**"
- "This lot provides common open space and recreational opportunities and is distinct from common lot areas for driveways, parking and walkways." becomes "**This amenity area provides common open space and recreational opportunities and is distinct from common use areas for driveways, parking and walkways**".

TABLE A2

"Minimum 2000 sq ft lot to serve as common outdoor amenity lot for recreational purposes. This amenity lot does not include vehicle parking /circulation areas or street landscaped setback areas". becomes "**Minimum 2,000 sq ft area to serve as common use outdoor amenity area for open space or recreational purposes. This common amenity area does not include vehicle parking/circulation areas or street landscaped setback areas.**"

(By the way, I can't figure out the difference between Table A1 and Table A2, and the increase to 2000 sq ft. of amenity area)

I hope this is meaningful. Let me know if you have any questions.

Thank you.

Bill

William J. (Bill) Turpit
Jackson | DeMarco | Tidus | Peckenpaugh
 2030 Main Street, Suite 1200
 Irvine, CA 92614

From: Peter Koetting [mailto:PKoetting@westarassociates.com]

Sent: Wednesday, April 08, 2009 11:03 AM

To: FLYNN, CLAIRE

Subject: RE: Planning Commission Meeting - April 13, 2009 on Urban Plan Amendment

This is a good report. I see nothing wrong with your suggested changes.

I cannot attend the meeting on the 13th.

Good luck.

Peter J. Koetting

Westar Associates

714-241-0400

714-241-0132 fax

From: scott clements [mailto:justsclements@hotmail.com]
Sent: Wednesday, April 08, 2009 12:32 PM
To: FLYNN, CLAIRE
Subject: RE: Planning Commission Meeting - April 13, 2009 on Urban Plan Amendment

Claire,

The amendment looks fine to me.

The residential use only issue will always be there. The developer in reality will not care about the buyer's long-term intended use, but only making the sale. I think that the best way to cope with the issue is through the parking requirements and ground floor design whereby they are unattractive for residential use.

Good luck.

Respectfully,

Scott Clements

PS: Did the owner of the Logan building that I inquired about ever make a request for a conditional use?

Attachment 4
Egan Memorandum dated 8/28/08
"The Next Slum?" Subject Line

MEMO

TO: CITY COUNCIL AND PLANNING COMMISSION
DATE: AUGUST 28, 2008
FROM: ELEANOR EGAN
RE: C. Leinberger, "The Next Slum?" The Atlantic, March 2008

The attached article from *The Atlantic* magazine highlights some things that have concerned me for several years. Even before the mortgage lending/foreclosure crisis put many Costa Mesa families under intense financial pressure, we saw and heard testimony of single rooms occupied by whole families, garages used as sleeping accommodations for as many as nineteen men, and other forms of overcrowding.

There is little to prevent many parts of our city from turning into overcrowded slums-in-the-making.

- Under Costa Mesa's Municipal Code, there is no limit on the number of bedrooms a single-family home may contain.
- The Code currently allows the owner of a single-family house in an R1 district to rent out as many as three rooms without any sort of permit and without consideration of parking, trash or other issues.
- The Code imposes no limit on the number of people to whom a room can be rented, either all at once or on a time-share (days vs. nights) basis.
- The Code does not require the owner of a small boarding house to live on the premises.

The article from *The Atlantic* states that expensive "McMansions" with high mortgage payments are as vulnerable as smaller homes. They may become boarding houses and eventually be split into substandard apartments.

Leinberger contends that tightening regulations cannot stop the trend, but I believe we should do all we can to forestall the degradation of neighborhoods while we work to freshen our city's attractiveness for the new demographic and economic trends.

For example, could our neighborhoods and commercial areas better accommodate walking and cycling or be integrated with public transportation? Are we fostering development that takes into account the demographic shift from families with children to single- and two-adult households? What more can we do to attract the new demographic?

If Costa Mesa is to remain a desirable place to live, we must think and plan for the future and not just react to the demands of hit-and-run developers and enterprising landlords. I urge the City Council and Planning Commission to study the issues raised in "The Next Slum?" and take bold actions to prevent the decay of our residential neighborhoods.

cc: Allan Roeder
Don Lamm
Kimberley Brandt

March 2008 Atlantic Monthly

The subprime crisis is just the tip of the iceberg. Fundamental changes in American life may turn today's McMansions into tomorrow's tenements.

by Christopher B. Leinberger

The Next Slum?



SUZANNA GEDDES FOR THE NEW YORK TIMES/REDUX

Strange days are upon the residents of many a suburban cul-de-sac. Once-tidy yards have become overgrown, as the houses they front have gone vacant. Signs of physical and social disorder are spreading.

At Windy Ridge, a recently built starter-home development seven miles northwest of Charlotte, North Carolina, 81 of the community's 132 small, vinyl-sided houses were in foreclosure as of late last year. Vandals have kicked in doors and stripped the copper wire from vacant houses; drug users and homeless people have furtively moved in. In December, after a stray bullet blasted through her son's bedroom and into her own, Laurie Talbot, who'd moved to Windy Ridge from New York in 2005, told *The Charlotte Observer*, "I thought I'd bought a home in Pleasantville. I never imagined in my wildest dreams that stuff like this would happen."

In the Franklin Reserve neighborhood of Elk Grove, California, south of Sacramento, the houses are nicer than those at Windy Ridge—many once sold for well over \$500,000—but the phenomenon is the same. At the height of the boom, 10,000 new homes were built there in just four years. Now many are empty; renters of dubious character occupy others. Graffiti, broken windows, and other markers of decay have multiplied. Susan McDonald,

president of the local residents' association and an executive at a local bank, told the Associated Press, "There's been gang activity. Things have really been changing, the last few years."

In the first half of last year, residential burglaries rose by 35 percent and robberies by 58 percent in suburban Lee County, Florida, where one in four houses stands empty. Charlotte's crime rates have stayed flat overall in recent years—but from 2003 to 2006, in the 10 suburbs of the city that have experienced the highest foreclosure rates, crime rose 33 percent. Civic organizations in some suburbs have begun to mow the lawns around empty houses to keep up the appearance of stability. Police departments are mapping foreclosures in an effort to identify emerging criminal hot spots.

The decline of places like Windy Ridge and Franklin Reserve is usually attributed to the subprime-mortgage crisis, with its wave of foreclosures. And the crisis has indeed catalyzed or intensified social problems in many communities. But the story of vacant suburban homes and declining suburban neighborhoods did not begin with the crisis, and will not end with it. A structural change is under way in the housing market—a major shift in the way many Americans want to live and work. It has shaped the current downturn, steering some of the worst problems away from the cities and toward the suburban fringes. And its effects will be felt more strongly, and more broadly, as the years pass. Its ultimate impact on the suburbs, and the cities, will be profound.

Arthur C. Nelson, director of the Metropolitan Institute at Virginia Tech, has looked carefully at trends in American demographics, construction, house prices, and consumer preferences. In 2006, using recent consumer research, housing supply data, and population growth rates, he modeled future demand for various types of housing. The results were bracing: Nelson forecasts a likely surplus of 22 million large-lot homes (houses built on a sixth of an acre or more) by 2025—that's roughly 40 percent of the large-lot homes in existence today.

For 60 years, Americans have pushed steadily into the suburbs, transforming the landscape and (until recently) leaving cities behind. But today the pendulum is swinging back toward urban living, and there are many reasons to believe this swing will continue. As it does, many low-density suburbs and McMansion subdivisions, including some that are lovely and affluent today, may become what inner cities became in the 1960s and '70s—slums characterized by poverty, crime, and decay.

The suburban dream began, arguably, at the New York World's Fair of 1939 and '40. "Highways and Horizons," better known as "Futurama," was overwhelmingly the fair's most popular exhibit; perhaps 10 percent of the American population saw it. At the heart of the exhibit was a scale model, covering an area about the size of a football field, that showed what American cities and towns might look like in 1960. Visitors watched matchbox-sized cars zip down wide highways. Gone were the crowded tenements of the time; 1960s Americans would live in stand-alone houses with spacious yards and attached garages. The exhibit would not impress us today, but at the time, it inspired wonder. E. B. White wrote in *Harper's*, "A ride on the Futurama ... induces

approximately the same emotional response as a trip through the Cathedral of St. John the Divine ... I didn't want to wake up."

The suburban transformation that began in 1946, as GIs returned home, took almost half a century to complete, as first people, then retail, then jobs moved out of cities and into new subdivisions, malls, and office parks. As families decamped for the suburbs, they left behind out-of-fashion real estate, a poorer residential base, and rising crime. Once-thriving central-city retail districts were killed off by the combination of regional suburban malls and the 1960s riots. By the end of the 1970s, people seeking safety and good schools generally had little alternative but to move to the suburbs. In 1981, *Escape From New York*, starring Kurt Russell, depicted a near future in which Manhattan had been abandoned, fenced off, and turned into an unsupervised penitentiary.

Cities, of course, have made a long climb back since then. Just nine years after Russell escaped from the wreck of New York, *Seinfeld*—followed by *Friends*, then *Sex and the City*—began advertising the city's renewed urban allure to Gen-Xers and Millennials. Many Americans, meanwhile, became disillusioned with the sprawl and stupor that sometimes characterize suburban life. These days, when Hollywood wants to portray soullessness, despair, or moral decay, it often looks to the suburbs—as *The Sopranos* and *Desperate Housewives* attest—for inspiration.

In the past decade, as cities have gentrified, the suburbs have continued to grow at a breakneck pace. Atlanta's sprawl has extended nearly to Chattanooga; Fort Worth and Dallas have merged; and Los Angeles has swung a leg over the 10,000-foot San Gabriel Mountains into the Mojave Desert. Some experts expect conventional suburbs to continue to sprawl ever outward. Yet today, American metropolitan residential patterns and cultural preferences are mirror opposites of those in the 1940s. Most Americans now live in single-family suburban houses that are segregated from work, shopping, and entertainment; but it is urban life, almost exclusively, that is culturally associated with excitement, freedom, and diverse daily life. And as in the 1940s, the real-estate market has begun to react.

Pent-up demand for urban living is evident in housing prices. Twenty years ago, urban housing was a bargain in most central cities. Today, it carries an enormous price premium. Per square foot, urban residential neighborhood space goes for 40 percent to 200 percent more than traditional suburban space in areas as diverse as New York City; Portland, Oregon; Seattle; and Washington, D.C.

It's crucial to note that these premiums have arisen not only in central cities, but also in suburban towns that have walkable urban centers offering a mix of residential and commercial development. For instance, luxury single-family homes in suburban Westchester County, just north of New York City, sell for \$375 a square foot. A luxury condo in downtown White Plains, the county's biggest suburban city, can cost you \$750 a square foot. This same pattern can be seen in the suburbs of Detroit, or outside Seattle. People are being drawn to the convenience and culture of walkable urban neighborhoods across the country—even when those neighborhoods are small.

Levine and his colleagues asked more than 1,600 mostly suburban residents of the Atlanta and Boston metro areas to hypothetically trade off typical suburban amenities (such as large living spaces) against typical urban ones (like living within walking distance of retail districts). All in all, they found that only about a third of the people surveyed solidly preferred traditional suburban lifestyles, featuring large houses and lots of driving. Another third, roughly, had mixed feelings. The final third wanted to live in mixed-use, walkable urban areas—but most had no way to do so at an affordable price. Over time, as urban and faux-urban building continues, that will change.

Demographic changes in the United States also are working against conventional suburban growth, and are likely to further weaken preferences for car-based suburban living. When the Baby Boomers were young, families with children made up more than half of all households; by 2000, they were only a third of households; and by 2025, they will be closer to a quarter. Young people are starting families later than earlier generations did, and having fewer children. The Boomers themselves are becoming empty-nesters, and many have voiced a preference for urban living. By 2025, the U.S. will contain about as many single-person households as families with children.

Because the population is growing, families with children will still grow in absolute number—according to U.S. Census data, there will be about 4 million more households with children in 2025 than there were in 2000. But more than 10 million new single-family homes have already been built since 2000, most of them in the suburbs.

If gasoline and heating costs continue to rise, conventional suburban living may not be much of a bargain in the future. And as more Americans, particularly affluent Americans, move into urban communities, families may find that some of the suburbs' other big advantages—better schools and safer communities—have eroded. Schooling and safety are likely to improve in urban areas, as those areas continue to gentrify; they may worsen in many suburbs if the tax base—often highly dependent on house values and new development—deteriorates. Many of the fringe counties in the Washington, D.C., metropolitan area, for instance, are projecting big budget deficits in 2008. Only Washington itself is expecting a large surplus. Fifteen years ago, this budget situation was reversed.

The U.S. grows its total stock of housing and commercial space by, at most, 3 percent each year, so the imbalance between the supply of urban living options and the demand for them is not going to disappear overnight. But over the next 20 years, developers will likely produce many, many millions of new and newly renovated town houses, condos, and small-lot houses in and around both new and traditional downtowns.

As conventional suburban lifestyles fall out of fashion and walkable urban alternatives proliferate, what will happen to obsolete large-lot houses? One might imagine culs-de-sac being converted to faux Main Streets, or McMansion developments being bulldozed and reforested or turned into parks. But these sorts of transformations are likely to be rare. Suburbia's many small parcels of land, held by different owners with different motivations, make the purchase of whole neighborhoods almost unheard-of.

Condemnation of single-family housing for "higher and better use" is politically difficult, and in most states it has become almost legally impossible in recent years. In any case, the infrastructure supporting large-lot suburban residential areas—roads, sewer and water lines—cannot support the dense development that urbanization would require, and is not easy to upgrade. Once large-lot, suburban residential landscapes are built, they are hard to unbuild.

The experience of cities during the 1950s through the '80s suggests that the fate of many single-family homes on the metropolitan fringes will be resale, at rock-bottom prices, to lower-income families—and in all likelihood, eventual conversion to apartments.

This future is not likely to wear well on suburban housing. Many of the inner-city neighborhoods that began their decline in the 1960s consisted of sturdily built, turn-of-the-century row houses, tough enough to withstand being broken up into apartments, and requiring relatively little upkeep. By comparison, modern suburban houses, even high-end McMansions, are cheaply built. Hollow doors and wallboard are less durable than solid-oak doors and lath-and-plaster walls. The plywood floors that lurk under wood veneers or carpeting tend to break up and warp as the glue that holds the wood together dries out; asphalt-shingle roofs typically need replacing after 10 years. Many recently built houses take what structural integrity they have from drywall—their thin wooden frames are too flimsy to hold the houses up.

As the residents of inner-city neighborhoods did before them, suburban homeowners will surely try to prevent the division of neighborhood houses into rental units, which would herald the arrival of the poor. And many will likely succeed, for a time. But eventually, the owners of these fringe houses will have to sell to someone, and they're not likely to find many buyers; offers from would-be landlords will start to look better, and neighborhood restrictions will relax. Stopping a fundamental market shift by legislation or regulation is generally impossible.

Of course, not all suburbs will suffer this fate. Those that are affluent and relatively close to central cities—especially those along rail lines—are likely to remain in high demand. Some, especially those that offer a thriving, walkable urban core, may find that even the large-lot, residential-only neighborhoods around that core increase in value. Single-family homes next to the downtowns of Redmond, Washington; Evanston, Illinois; and Birmingham, Michigan, for example, are likely to hold their values just fine.

On the other hand, many inner suburbs that are on the wrong side of town, and poorly served by public transport, are already suffering what looks like inexorable decline. Low-income people, displaced from gentrifying inner cities, have moved in, and longtime residents, seeking more space and nicer neighborhoods, have moved out.

But much of the future decline is likely to occur on the fringes, in towns far away from the central city, not served by rail transit, and lacking any real core. In other words, some of the worst problems are likely to be seen in some of the country's more recently

developed areas—and not only those inhabited by subprime-mortgage borrowers. Many of these areas will become magnets for poverty, crime, and social dysfunction.

Despite this glum forecast for many swaths of suburbia, we should not lose sight of the bigger picture—the shift that’s under way toward walkable urban living is a healthy development. In the most literal sense, it may lead to better personal health and a slimmer population. The environment, of course, will also benefit: if New York City were its own state, it would be the most energy-efficient state in the union; most Manhattanites not only walk or take public transit to get around, they unintentionally share heat with their upstairs neighbors.

Perhaps most important, the shift to walkable urban environments will give more people what they seem to want. I doubt the swing toward urban living will ever proceed as far as the swing toward the suburbs did in the 20th century; many people will still prefer the bigger houses and car-based lifestyles of conventional suburbs. But there will almost certainly be more of a balance between walkable and drivable communities—allowing people in most areas a wider variety of choices.

By the estimate of Virginia Tech’s Arthur Nelson, as much as half of all real-estate development on the ground in 2025 will not have existed in 2000. It’s exciting to imagine what the country will look like then. Building and residential migration seem to progress slowly from year to year, yet then one day, in retrospect, the landscape seems to have been transformed in the blink of an eye. Unfortunately, the next transformation, like the ones before it, will leave some places diminished. About 25 years ago, *Escape From New York* perfectly captured the zeitgeist of its moment. Two or three decades from now, the next Kurt Russell may find his breakout role in *Escape From the Suburban Fringe*.

Attachment 5
Egan Memorandum dated 8/28/08
"Live/Work Issues" Subject Line

MEMO

TO: CITY COUNCIL AND PLANNING COMMISSION

DATE: AUGUST 28, 2008

FROM: ELEANOR EGAN

RE: LIVE/WORK ISSUES

The attached pages are from an architect's web site, <http://www.live-work.com/lwi/codes/truths.shtml> where live/work development issues are discussed, including – most relevant to Costa Mesa – the tendency of such units to revert to purely residential use. (The attached discussion could not be printed directly from the web site; I have copied it without any editing on my part except to highlight in **bold text** certain points.)

I was moved to do this research by two events: the conversion of the Nexus development from mixed-use with condominiums to very-high-density rental apartments, and the approval of a purported live-work project at the west end of 18th Street that also seems clearly destined to become very-high-density apartments without adequate parking.

A speaker at the public hearing on the West 18th Street project unwittingly confirmed my suspicions. He made it clear he had no interest in the live/work aspect but simply wanted to buy one of the units as a residence. He said he had wanted to move his family to Costa Mesa for quite a while but couldn't find anything cheap enough. This project, he said, could fit his budget. ✓

Costa Mesa has a plethora of very-high-density apartments, especially in the Westside. Adding more, especially multi-bedroom, is not compatible, in my judgment, with either the adjacent industrial uses or the low- and medium-density residential uses.

I recommend that the Council and Commission study this matter with a view to better defining live/work (or work/live) developments to carry out the purposes of the Urban Plan overlays in evaluating future development proposals.

cc: Allan Roeder
Don Lamm
Kimberley Brandt

TEN TRUTHS OF LIVE/WORK PLANNING POLICY

CONGRESS FOR THE NEW URBANISM

What are the planning and zoning implications of live/work? They are legion, and they are not what they first appear to be.

1. First, live/work is not a monolithic phenomenon. Clearly, some of what bears that name is predominantly residential in character. The rise of the internet, telecommuting, and even teleconferencing have created unprecedented opportunities for home office and small, at-home business. On the other hand, there is a demand for a more work-driven type of space in which employees and walk-in trade are permitted and more intense and/or more hazardous kinds of work are performed. This we are calling work/live.
2. There is a demonstrated tendency for live/work or work/live space to revert to purely residential use, regardless of how it was permitted or represented. This tendency is most pronounced in new construction condominiums or "lifestyle lofts." In some areas this is tolerable, in others it can cause great harm.
3. Each of these three types, home occupation, live/work and work/live, (and subsets thereof, e.g. home office, artists' live/work) is more appropriate in some areas than others. Zoning should be applied to locate live/work types suitably.
4. Residential reversion, described in #2 above, should be discouraged strenuously in those areas where pure residential use is undesirable due to incompatibilities with other uses, lack of residential amenities, etc. Residential reversion can be slowed down, if not entirely stopped, through the use of a combination of regulations, sanctions, financial incentives, tax policy incentives and, perhaps most importantly, the design of units for the appropriate level of proximity between living and working spaces. Residential reversion is a central issue of concern to The Live/Work Institute, and was an important part of a study conducted in 1997 by Live/Work Institute President Thomas Dolan and others, entitled Work/Live in Vancouver .
5. While it can be a valuable tool for revitalizing "under-developed" neighborhoods (that term used to refer to countries!), the development of live/work, lofts, -- or whatever one calls them -- must be balanced with the valid need for the kinds of small and medium-sized businesses that are needed to make a city work, and for the larger commercial and industrial companies that employ her citizens . Laissez-faire loft development -- which usually leads to wholesale residential reversion -- can spell disaster for these businesses in the form of prohibitive property values and "imported NIMBY's."
6. There is, however, a place for lifestyle lofts, especially as part of a lively mixed-use district, often transitioning (spatially) between residential and commercial/industrial areas, between downtown commercial and industrial neighborhoods, or generally on residential neighborhood edges. Lofts are often an appropriate re-use of historic structures which might otherwise remain vacant, and in fact, relaxation of building code

requirements for all kinds of live/work is permitted under state law in California. The permitting process for lofts, particularly in the case of new construction live/work, should be closer in character to residential regulations, which means instituting design review, open space and setback requirements, inclusionary zoning, and (in California) full imposition of school impact fees.

7. Artists began the live/work phenomenon, and they require a kind of affordable space that can (almost) only be found in older industrial buildings. In areas with hot real estate markets (or where lifestyle lofts are already out of control, which includes many cities), the only way many artists can retain control of their spaces is through ownership, long-term rent subsidies, or the creation -- and enforcement -- of "Artists' Protection Zones" providing long-term affordable live/work. It is, in fact, more of a financial problem than a zoning problem, although certain zoning measures can help (such as designating certain live/work areas as rental only in existing buildings only). Artists contribute significantly to cities' economies (in San Francisco, 1 in 11 jobs are in the arts sector). They are the keepers of our culture, and they deserve our support and protection.

8. Live/work plays an important part in what The Live/Work Institute calls The Incubator Cycle. Ideas for small businesses often progress through different work spaces, from a spare room at home, to the garage (of Apple Computer and Hewlett Packard fable and fame), and often next to a live/work space. In fact, for some, the progression from home occupation to live/work to work/live space is part of the cycle. Government and corporate-sponsored incubators are a valuable newcomer on the scene: many have been very successful. A project idea being considered by the Live/Work Institute is a "Live/work Incubator," in which business assistance and facilities would be provided in a residential -- i.e. live/work -- setting.

9. Live/work and community is a topic treated elsewhere. Its implication for planning policy and zoning regulations are enormous -- they speak to the future of socialization in the 21st century, in which commuting may become more the exception than the norm. Live/work has been occupied and experimented with (mostly by trial and error, in a relative regulatory vacuum) for most of the last half of the 20th century. Any person who works at home (most do so alone) will attest to the fact that it can be a very isolating experience in a suburban single-family house, or even a conventional apartment or condominium. Live/work projects can be planned to alleviate this isolation in two ways:

1. By requiring that live/work projects be designed such that they provide opportunities for spontaneous interaction among residents as they come and go in "interactive spaces" such as courtyards, atriums, etc;
2. By locating live/work projects in pedestrian-oriented neighborhoods, on lively mixed-use streets (sometimes above shops) where there are easy opportunities for one to step outside and encounter others in a congenial public realm.

10. The Congress for the New Urbanism was founded to "advocate the restructuring of public policy and development practices to support the following principles: neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions urban places should be framed by architecture and landscape design that celebrate local history, climate, ecology, and building practice."

Many New Urbanist projects include live/work spaces; as mentioned above, the fit is a natural. The apartment above the mom-and-pop store, or the country lawyer whose cottage is behind his office are time-honored built forms in the traditional American town. They are both forms of live/work.

Live/work is probably the most viable form of market rate housing (sic) development in many inner cities. It is the only building type that provides both employment and housing. Inherently mixed use, infill live/work projects or renovation of existing buildings often go a long way toward meeting many of the goals of New Urbanism, and therefore could be seen as one of its best entrees into an inner city context.